

1. Documents

Documents:

[12 MAY 2016 PACKET.PDF](#)
[12 MAY 2016 AGENDA.PDF](#)

**KAYSVILLE CITY PLANNING COMMISSION
NOTICE AND AGENDA**

Notice is hereby given that the Kaysville City Planning Commission will hold their regular meeting on Thursday, May 12, 2016 at 7:00 p.m. in the Municipal Center.

The agenda shall be as follows:

1. Opening and approval of minutes from the meetings of April 14, 2016 and April 28, 2016.
2. Conditional use permit for residential child care at 220 West Baer Creek Drive – Gail Hepworth.
3. Conditional use permit for farm animals at 1979 West Hill Street – Stephanie and Richard Ensign.
4. Conditional use permit for farm animals at 1894 West 550 North – Van and Emily Allen.
5. Conditional use permit for farm animals at 1671 West Galbraith Lane – Bryce Blackburn.
6. Public hearing and preliminary and final plat approval for Whisper Creek Amended Subdivision located at 670 East 600 South – Symphony Homes.
7. Call to the public.
8. Other matters that properly come before the Planning Commission:
 - a. Reports.
 - b. Correspondence.
 - c. Calendar.
9. Adjournment.

I hereby certify that I posted a copy of the foregoing Notice and Agenda at the Kaysville Municipal Center and mailed copies to the media representatives on Friday, May 6, 2016.


Lyle Gibson
Zoning Administrator



Planning Commission Staff Report

Residential Child Care May 12, 2016

Applicant/Owner: Gail Hepworth
Location: 220 West Baer Creek Drive

Description:

Mrs. Hepworth is requesting a conditional use permit for residential child care. Mrs. Hepworth will be watching two (2) children and doesn't plan or expect to permit anything beyond that.

Per 17-26-6 Residential Child Care may permit the care of no more than twelve (12) children. A care provider who cares for five (5) to eight (8) children shall obtain a State Residential Child Care Certificate. A provider who cares for nine (9) or more children shall obtain a State License. Mrs. Hepworth would not require any state certification or licensing, she will not have employees involved with the business, and there is plenty of parking for drop off and pick up on site.

Recommendation:

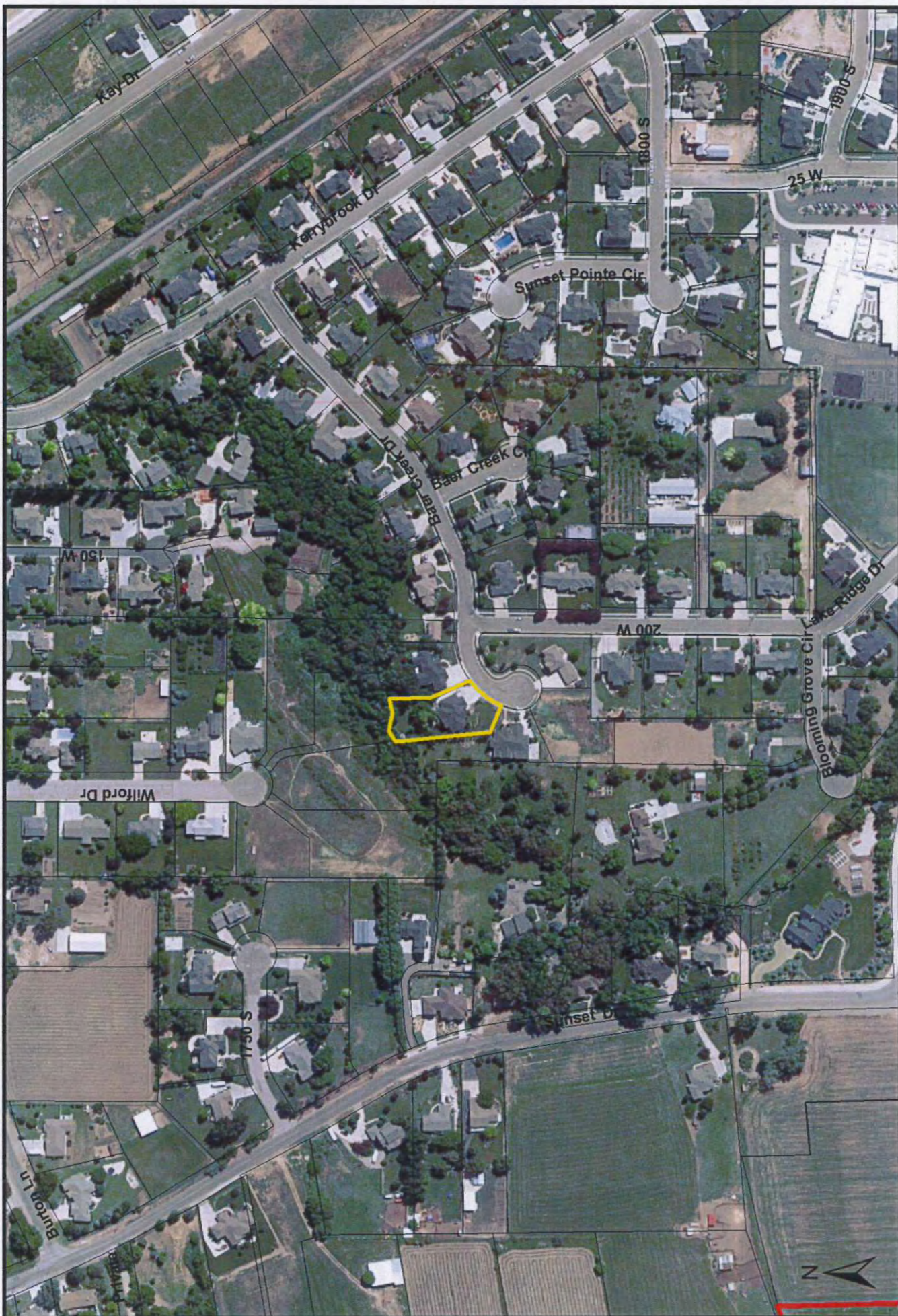
Staff is recommending approval of the proposed conditional use permits for Residential Child Care subject to compliance with 17-26-6 of the Kaysville City Ordinance. The applicant has stated a willingness to limit the number of students if the planning commission feels it is appropriate because they have no intention of growing.

Reasoning:

The existing conditions on site and the restrictions of the ordinance appear to be appropriate for mitigating potentially anticipated detrimental impacts.

Attachment 1: Area Map

220 West Baer Creek Drive





Planning Commission Staff Report

Conditional Use Permit for Farm Animals May 12, 2016

Applicant/Owner: Stephanie and Richard Ensign
Location: 1979 West Hill Street

Description:

The Ensigns are requesting a conditional use permit for farm animals. Their property is approximately 0.48 acres or 20,900 square feet, allowing up to twenty six (26) fowl, rabbits, or similar animals. Specifically the request is for chickens at the above listed property.

The property currently has a fence that encloses the rear yard and a coop/run for the chickens is planned to be on site if the conditional use application receives approval.

Recommendation:

Staff is recommending approval of the proposed conditional use permits for farm animals subject to compliance with the provisions of chapter 17-24 Farm Animals and the following conditions:

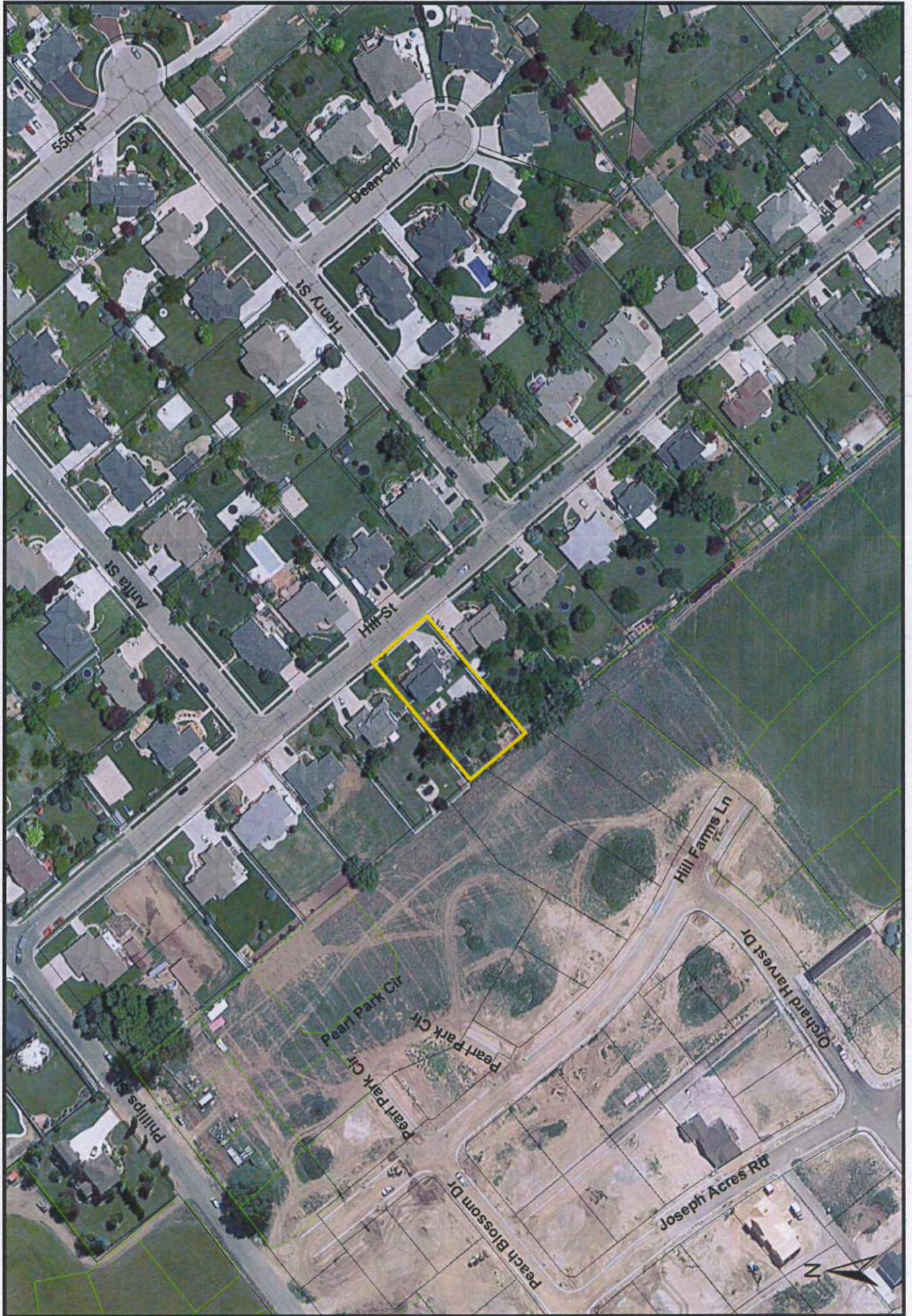
- The yard where the chickens are located be enclosed; and
- A coop be on site in compliance with 17-24-3.

Reasoning:

The existing conditions on site, the restrictions of the ordinance and proposed conditions appear to be appropriate for mitigating potentially anticipated detrimental impacts.

Attachment 1: Area Map

1979 West Hill Street





Planning Commission Staff Report

Conditional Use Permit for Farm Animals May 12, 2016

Applicant/Owner: Van and Emily Allen
Location: 1894 W. 550 N.

Description:

The Allens are requesting a conditional use permit for farm animals. Their property is approximately 0.52 acres or 22,900 square feet, allowing up to fifty two (52) fowl, rabbits, or similar animals. Specifically the request is for chickens at the above listed property.

The property currently has a fence that encloses the rear yard and a coop/run for the chickens will be on site if the conditional use application receives approval.

Recommendation:

Staff is recommending approval of the proposed conditional use permits for farm animals subject to compliance with the provisions of chapter 17-24 Farm Animals and the following conditions:

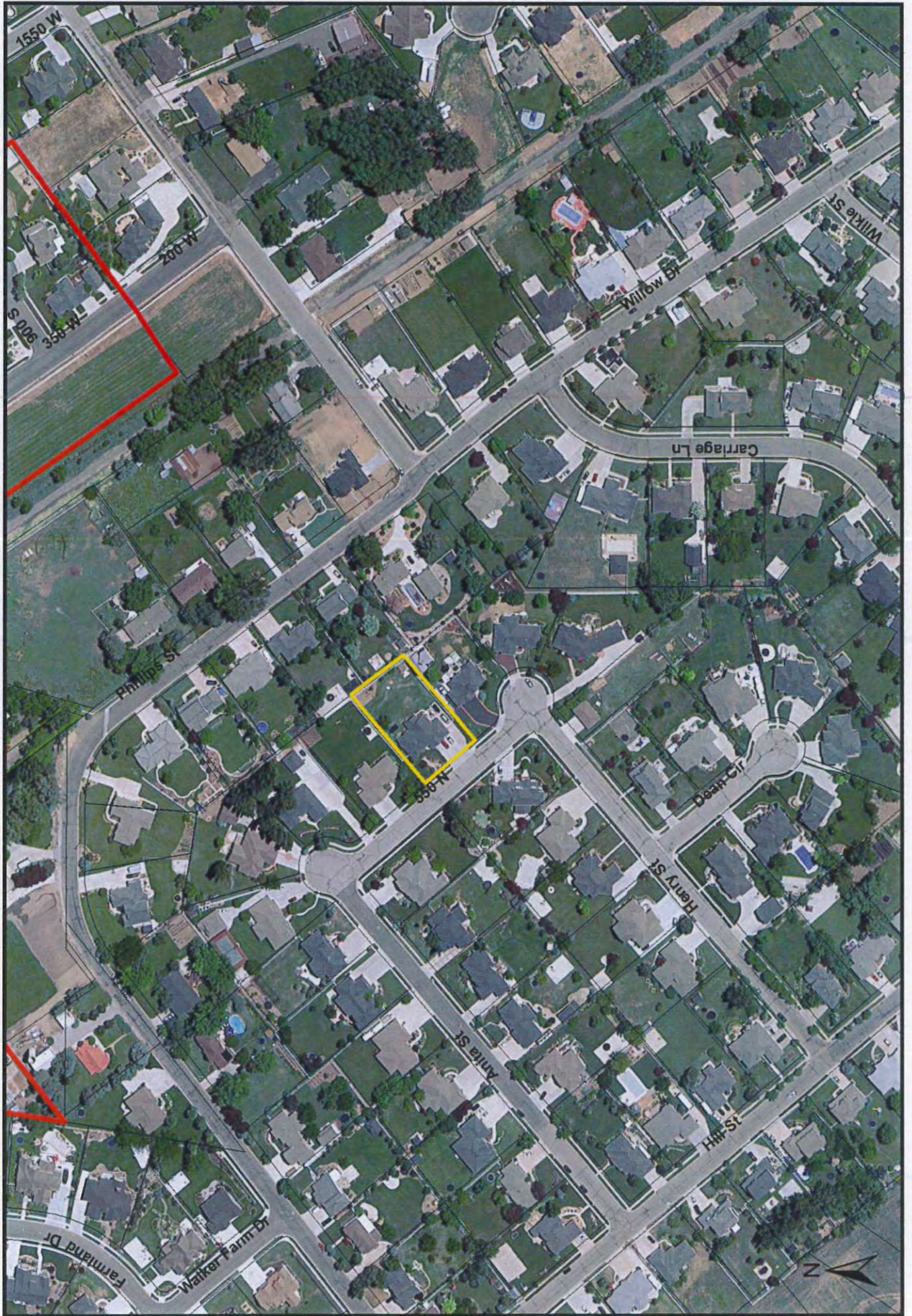
- The yard where the chickens are located be enclosed; and
- A coop be on site in compliance with 17-24-3.

Reasoning:

The existing conditions on site, the restrictions of the ordinance and proposed conditions appear to be appropriate for mitigating potentially anticipated detrimental impacts.

Attachment 1: Area Map

1894 West 550 North





Planning Commission Staff Report

Conditional Use Permit for Farm Animals May 12, 2016

Applicant/Owner: Bryce Blackburn
Location: 1671 West Galbraith Lane

Description:

Mr. Blackburn is requesting a conditional use permit for farm animals. His property is approximately 0.55 acres or 23,900 square feet, allowing up to fifty two (54) fowl, rabbits, or similar animals. Specifically the request is for chickens at the above listed property.

The property currently has a fence that encloses the rear yard and Mr. Blackburn plans to build a coop/run for the chickens if the conditional use application receives approval.

Recommendation:

Staff is recommending approval of the proposed conditional use permits for farm animals subject to compliance with the provisions of chapter 17-24 Farm Animals and the following conditions:

- The yard where the chickens are located be enclosed; and
- A coop be on site in compliance with 17-24-3.

Reasoning:

The existing conditions on site, the restrictions of the ordinance and proposed conditions appear to be appropriate for mitigating potentially anticipated detrimental impacts.

Attachment 1: Area Map

1671 West Galbraith Lane





Planning Commission Staff Report

Whisper Creek Amended Subdivision Preliminary and Final Plat May 12, 2016

Applicant/Owner: Symphony Homes
Location: 670 East 600 south
Zone: R-1-8

Description:

Symphony Homes has complete the improvements in the Whisper Creek subdivision and is currently selling lots and constructing homes. In order to accommodate their customers they have requested to combine lots 106, 107 and 108 into just two lots as shown on the amended plat. The two newly configured lots both easily comply with the existing R-1-8 zoning and are already fully improved.

Recommendation:

Staff suggests that the Whisper Creek Amended Subdivision be recommended for preliminary and final plat approval.

Attachments: Location Map
Amended Plat
Original Plat

Whisper Creek Amended



WHISPER CREEK AMENDED

VACATING LOTS 106-108 OF WHISPER CREEK
A PORTION OF SECTION 2, T1N, R1W, S44M
KAYSVILLE CITY, DAVIS COUNTY, UTAH



VICINITY MAP

- NOTES:**
1. This is a copy of the original plan filed in the office of the County Clerk, Davis County, Utah.
 2. The original plan is on file in the office of the County Clerk, Davis County, Utah.

WEST 1/4 CORNER OF SECTION 2, T1N, R1W, S44M (FOUR BRASS CAP)



KAYSVILLE CITY PLANNING COMMISSION

April 14, 2016

Members Attending: Chairperson Matthew Anderson, Gary Bullock, Stroh DeCaire, Lorene Kamalu, Joshua Sundloff, Thomas Wood

Excused: Betty Parker

Staff Present: City Engineer Andy Thompson, Zoning Administrator Lyle Gibson, Secretary Annemarie Plaizier

Others Present: Council Member Larry Page, Mark Chamberlain, Mason Chamberlain, Justin Bennett, Sandy Bennett, Steven Brough, Brian Bingham, Sandra Winchester, Cassidy Duncan, Bryant Duncan, Penni Eads, Reva Taylor, Toby Barrus, David Black

OPENING

The Planning Commission meeting was held on Thursday, April 14, 2016 at 7:00 p.m. in the Municipal Center.

Chairperson Matthew Anderson opened the meeting by welcoming those present. The minutes of the March 10, 2016 meeting were presented for approval.

Lorene Kamalu made a motion to approve the minutes of the March 10, 2016 meeting. Stroh DeCaire seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION "B", SWIMMING LESSONS AT 1394 WEST RAMOLA STREET – MELANIE BINGHAM

Lyle Gibson explained that Mrs. Bingham is requesting a conditional use permit to conduct swimming lesson from her home at 1394 West Ramola Street. Mrs. Bingham plans to hold group lessons during the months of June, July and August for about two weeks a month, Mondays through Thursdays between 9:00 a.m. and noon. She initially plans to have about six children in each class. The property has a circle drive providing plenty of parking and easy drop-off. However, it is anticipated that many of her students will walk or ride their bikes to their lessons.

Matthew Anderson asked about limiting the number of students allowed at the home at one time.

Lyle Gibson responded that it has been the practice of the city to limit group classes in a home business to twelve students. This helps to keep traffic and parking down.

Matthew Anderson added that if traffic or parking becomes a problem the conditional use permit

could be brought back before the Planning Commission for review.

Thomas Wood suggested that class times be staggered so that there will be a fifteen minute break between each class. This would help to alleviate traffic congestion.

Lorene Kamalu asked if the neighbors had been made aware of Mrs. Bingham's business plans.

Brian Bingham, representing Melanie Bingham, responded that they had spoken with their neighbors about their plans for swimming lessons and haven't received any complaints.

Stroh DeCaire made a motion to grant a conditional use permit for a Major Home Occupation "B", swimming lessons at 1394 West Ramola Street for Melanie Bingham with the condition that the number of students be limited to no more than twelve at any one time. Thomas Wood seconded the motion and it passed unanimously.

**CONDITIONAL USE PERMIT FOR AN AGRICULTURAL HOME OCCUPATION,
PIANO INSTRUCTION AT 953 SOUTH SUNSET DRIVE – PENNI EADS**

Lyle Gibson explained that Mrs. Eads has been teaching piano for many years and would now like to also begin holding group lessons from her home at 953 South Sunset Drive to teach students how to effectively teach piano on their own. She plans to hold classes once a week and her property has a large circle driveway providing easy drop-off and room for a significant amount of cars. Eventually Mrs. Eads would like to install a small low profile sign in connection with her home occupation. These types of signs are only permitted with an agricultural home occupation. When ready, she will bring the sign before the Planning Commission for conditional use permit approval.

Penni Eads said that she has been teaching for thirty-five years and has always wanted to teach her students how to help teach other students. Right now she only has a few students that will be taking the group class, but anticipates that she will have more students in the future. The group class would be held Wednesdays from 4:00 p.m. to 5:00 p.m.

Stroh DeCaire asked about the low-profile sign.

Penni Eads responded that she plans to put it in front of her home, but since it is still being designed it wasn't ready to present to the Planning Commission for approval tonight.

Gary Bullock made a motion to grant a conditional use permit for an agricultural home occupation, piano instruction at 953 South Sunset Drive for Penni Eads with the condition that the number of students be limited to no more than twelve at any one time. Stroh DeCaire seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR FARM ANIMALS AT 2028 WEST PEACH BLOSSOM DRIVE – SANDRA WINCHESTER

Lyle Gibson explained that Ms. Winchester is requesting a conditional use permit to have farm animals, specifically chickens, on her property at 2028 West Peach Blossom Drive. Her property is approximately 19,200 square feet which allows her up to thirteen fowl, rabbits, or similar animals. Ms. Winchester's yard is completely enclosed and she has already selected a coop that will be placed on site once approval is received. Staff has received complaints from the neighbors in regards to this request not meeting the subdivision's covenants. It is not the responsibility of the city to enforce subdivision covenants and Staff recommends proceeding forward with reviewing this request.

Matthew Anderson added that it is the responsibility of the Homeowners Association to enforce their subdivision's covenants.

Sandra Winchester added that she has been working with legal counsel in regards to this matter and feels that her subdivision's HOA is not meeting certain requirements of Utah Code. Because of this she decided to move forward with her conditional use permit request.

Thomas Wood made a motion to grant a conditional use permit for farm animals at 2018 West Peach Blossom Drive for Sandra Winchester with the condition that the coop be placed to meet the provisions of Chapter 17-24 Farm Animals. Stroh DeCaire seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR FARM ANIMALS AT 741 SOUTH 1350 WEST – GUILIN LI

Lyle Gibson explained that Mr. Li would like to keep chickens on his property at 741 South 1350 West and is requesting a conditional use permit for farm animals. His property is approximately 0.46 acre which allows him up to twenty-five fowl, rabbits, or similar animals. Mr. Li has constructed a chicken run in the back of his property, as well as a coop for chickens, which are both in compliance with city ordinance. The property is adjacent to an agricultural zoned property to the east where there are already chickens.

Stroh DeCaire made a motion to grant a conditional use permit for farm animals at 741 South 1350 West for Guilin Li. Gary Bullock seconded the motion and it passed unanimously.

PRELIMINARY PLAT APPROVAL FOR HERITAGE SQUARE TOWNHOME SUBDIVISION PHASE 2 AT 560 WEST MUTTON HOLLOW ROAD – JUSTIN BENNETT (TABLED ITEM)

Andy Thompson explained that Mr. Bennett developed his property at 560 West Mutton Hollow Road about two years ago into two two-unit townhomes served by a private lane. Mr. Bennett would now like to add three more units to the project. Under the existing R-2 zoning the property would accommodate a total of seven units and because of the already approved PRUD

overlay zone, the lots and open space would be in compliance. However, when the original rezone and plat approvals were given, it was with the condition that no more than four total units be allowed on the property. This condition was agreed to and documented with a recorded development agreement. Mr. Bennett acknowledges the development agreement but believes that now that the first four units have been completed that many of the concerns expressed with the original approval have dissipated. About a month ago the Planning Commission reviewed this request, tabled the item and asked Mr. Bennett to investigate some additional housing options. Mr. Bennett has explored several options and believes his best option is to build three additional attached single level units as shown on the preliminary plat. As directed by the Planning Commission, Mr. Bennett has also contacted the adjacent Stonne Lane Subdivision HOA about attaching his project into theirs to create a different road pattern. The HOA responded that they have no interest in this proposal. If the Planning Commission recommends approval for this project, the development agreement will need to be modified.

Chairperson Matthew Anderson asked for public comment.

Toby Barrus said that he lives on Country Shire Drive, near this proposed development, and attended previous meetings when this development was first presented. Mr. Barrus said that in those meetings he'd expressed his opposition to this development because it would bring additional density to an already highly dense area. There's a reason the developer was restricted to four units and it should remain that way.

David Black said that he wasn't able to come to the March 10, 2016 meeting, but was able to listen to it online. From the comments made in that meeting, Mr. Bennett indicated that he did not have enough money to make improvements to the open space area, and was seemingly asking the city to bail him out from his poor planning. Mr. Bennett signed a development agreement where he agreed to build only four units. He is being deceptive because he has made it obvious that he intended the whole time to develop the seven units as he proposed originally. When Mr. Bennett was told he could only build four units he could have redesigned his plans to make better use of the property. This area has an abundance of high density housing and is being overburdened. We need to quit cramming as much housing as possible into this area and creating a hardship on those who already live there.

Steven Brough said that he has been working with Mr. Bennett on this project for the last couple of years and feels that this location's best use would be for townhomes. Having only four units might have been what was best for the property at the time of approval, but may not be the same now. There are not a lot of starter homes on the current market because either land costs too much or because buyers don't want to live in a place where they have a yard to take care of. What Mr. Bennett has proposed is more viable for the property and for current demand. There is a market and a demand for the townhomes being presented, and there needs to be an area in the city for them. It will be a better use for the property than left vacant and a burden to be maintained.

Matthew Anderson said that because such a large piece of land was left undeveloped from the rest of the project, it gives the impression that Mr. Bennett never intended to leave it as open

space.

Steven Brough said that there are not a lot of other options for this piece of property. Mr. Bennett did what was asked by the Commission and researched the current market. He feels that building townhomes would meet current demand. The market has changed since this development was originally approved and what is being proposed is currently the best use for the property.

Thomas Wood said that in the June 12, 2014 Planning Commission meeting minutes, Mr. Bennett commented that he planned to put grass, trees and a small playground in the open space area. Those plans seem more appropriate than building more units on the property and might help to draw more families here.

Steven Brough said that because Mr. Bennett was limited to four units, he might have felt that the best use of the open space at that time would be to install a playground.

Josh Sundloff stated that he'd read the Planning Commission and City Council minutes where this development was discussed back in 2013 and 2014. At the time this property was rezoned, the adjacent parcel to the west was also rezoned from General Commercial to the R-2 zone. As mentioned, Mr. Bennett had originally proposed seven units for this development, and there was some discussion about the adjacent property being developed in the future to mirror Mr. Bennett's development layout. This would have brought a total of fourteen new units to the area. The City Council felt it best to compromise by restricting the number of units on these properties, which would still allow Mr. Bennett to develop his property, but would also not add too much more density to the area. During this same timeframe, Crimson Court had recently been approved for twenty-eight units which might have affected the approval for Mr. Bennett's project. However, Mr. Sundloff said that he feels that Mr. Bennett is making the same arguments now as he did when he first made application. What has changed to make it so more units should be allowed now?

Justin Bennett responded that he feels that there have been some insinuations that he is trying to be deceptive, but was told after he was limited to only four units that he could either develop the number of units granted or he would have to wait a year to try to reapply for his original seven unit request. Because he needed to start development, he resorted to remove the back three lots so he didn't have to redesign the entire project. Now that the four units are complete, he submitted application to try to develop the three units that were removed. Landscaping is planned to be installed in the spring. It's harder to maintain an empty lot and would like to see something built on it. The adjacent property owner to the west still resides on the property and has never had plans to develop his property anytime soon.

Matthew Anderson asked about the negotiations with the residents of Stonne Lane.

Justin Bennett said that he had approached the HOA for Stonne Lane back in 2013 when he had started this project and they were not interested in allowing access to their road. After the March 10, 2016 Planning Commission meeting, Mr. Bennett contacted the HOA again and was told that

they are still concerned about having additional traffic on their street and would not allow Mr. Bennett to take access off of Stonne Lane.

Josh Sundloff asked how many units would be allowed on this property per the current zoning requirements.

Andy Thompson said that without the current limitation there could be seven units on the property.

Thomas Wood asked if the residents living within this development own their units.

Steven Brough said that they were built to sell off individually but Mr. Bennett has decided to keep them for a while and rent them.

Gary Bullock said that while he is sympathetic to Mr. Bennett's situation, there were standards and expectations set in the development agreement which was signed by Mr. Bennett. Mr. Bullock said that while he feels that three more units wouldn't significantly impact the traffic or density of the area greatly, the City is now being asked to change the original development agreement that was put in place and agreed to for a reason, and we need to honor the agreement made.

Steven Brough said that Mr. Bennett signed the development agreement because he felt like he had no other choice.

Gary Bullock responded that Mr. Bennett still made the choice to sign the agreement.

Lorene Kamalu asked about Mr. Bennett's original proposal and asked why it did not receive approval if it met the zoning requirements.

Josh Sundloff said that in the City Council minutes when this item was first approved, the Council had mentioned concern about the number of units that could potentially be built on both this property and the adjacent property to the west within such a high density area. Because of this, they felt it best to restrict the number of units. Mr. Sundloff asked if the adjacent property had the same density restrictions.

Andy Thompson responded that property to the west was also included within the development agreement and has the same four unit limitation.

Stroh DeCaire said that he has been serving on the Planning Commission throughout most of this development consideration and is concerned that the units were built to be sold individually but have not been, but rather kept as rental units. One of the concerns that was expressed to the City by the neighbors in this area was that these units become rentals.

Matthew Anderson said that he agrees with Mr. Bullock's comments about honoring the development agreement that is in place. The Agreement was drawn up and signed by both

property owners, and to change the agreement makes it feel like we are disregarding all of the work and consideration that was put into it. Approving a revision to the development agreement might also be setting a precedence for the future. Mr. Anderson added that while he doesn't want to see the land left vacant, he feels uncomfortable changing something that was agreed upon.

Josh Sundloff suggested allowing one additional unit, with an open playground area. A Homeowners Association should be created to help to maintain the property. It would still require an amendment to the development agreement, but this might be a good compromise and wouldn't leave the ground vacant.

Thomas Wood added that there is also a storm water detention area that will need to be considered if more units are laid out on the property.

Justin Bennett responded that the current units proposed are single story units, which take up more space, but there would be enough space as to not interfere with the detention area depending on the layout of the units.

Lorene Kamalu said that Mr. Bennett has done well developing this property thus far and feels that allowing more units would help complete it. If it's not uncommon to revise development agreements in other situations, there is just cause to allow Mr. Bennett's to be changed now. What is being proposed tonight might be the highest and best use for the property at this time. It is a good design and would be very desirable in today's market. Mr. Bennett has done what the city asked of him and has done well addressing concerns.

Stroh DeCaire commented that he is concerned about setting a precedence for future developments. It is incumbent for the Planning Commission to consider things very seriously before they go against something that has already been put in place.

Josh Sundloff said that if the Commission feels that the original approval was misguided we can make that known and move forward with a recommendation to the Council.

Reva Taylor commented that she is grateful to see the Commission consider each property individually. Situations are constantly changing and sometimes previous approvals need to be amended to better utilize a property.

Matthew Anderson said the General Plan also states that high density housing needs to be spread throughout the city, but it seems that this area is just being permeated by it even more.

Thomas Wood said that when this development was approved by the City Council in 2014, Mayor Hiatt made a comment about how much high density housing is already in the area and asked the question when is it enough? It seems that we are overburdening this area by approving more high density housing, however it doesn't seem fair to ask property owners to leave developable properties empty.

Josh Sundloff said that if we were to amend the development agreement to allow three more units on Mr. Bennett's property, we could potentially be also allowing seven total units on the adjacent property as well. Mr. Sundloff said that while he feels it best to find a compromise, allowing seven units on each property may be too much density to add to the area.

Councilman Larry Page commented that this is a tough situation where residents in this area have to deal with living in a highly dense area. Mr. Page suggested that the Commission make their recommendation to the City Council so that they can review the application and have a discussion on it. It will also give the citizens another chance to be heard, and ask the Council to address this problem. There is a reason that this area has been oversaturated with high density housing and it will give a chance for the Council to review the issue.

Lorene Kamalu made a motion to recommend preliminary plat approval for Heritage Square Townhome Subdivision Phase 2 at 560 West Mutton Hollow Road for Justin Bennett, subject to a modification to the development agreement.

The motion died for lack of a second.

Josh Sundloff made a motion to recommend preliminary plat approval for Heritage Square Townhome Subdivision Phase 2 at 560 West Mutton Hollow Road for Justin Bennett subject to a modification to the development agreement, and with the condition that there be no more than six units on each of the parcels listed within the agreement, and not more than eleven total units between the two parcels.

Andy Thompson commented that since both properties are listed within the development agreement, both property owners will need to agree to and sign the amended agreement.

The motion died for lack of a second.

Gary Bullock made a motion to recommend preliminary plat approval for Heritage Square Townhome Subdivision Phase 2 at 560 West Mutton Hollow Road for Justin Bennett subject to a modification to the development agreement, and with the condition that there be no more than six units on each of the parcels listed within the agreement, and that an adequate amount of green space be included in the development. Josh Sundloff seconded the motion.

Voting was as follows:

Thomas Wood	nay
Gary Bullock	aye
Lorene Kamalu	aye
Stroh DeCaire	nay
Matthew Anderson	aye
Josh Sundloff	aye

The motion passed with a vote of four to two.

**PUBLIC HEARING AND PRELIMINARY AND FINAL PLAT APPROVAL FOR
MERIDIAN SUBDIVISION AT 370 NORTH MAIN STREET – LARVIN POLLOCK**

Andy Thompson explained that recently the Kaysville City RDA approved the sale of the northeast corner of 300 West and Main Street. The submitted plat shows this property is to be combined with the adjacent property, where the car wash currently sits, creating one commercial lot to accommodate proposed development. The new lot size is 0.72 acre with frontage and access from both Main Street and 300 West. The subdivision plat appropriately accounts for existing easements and required right-of-way dedication.

Chairperson Matthew Anderson opened the Public Hearing.

There were no comments or questions from the public. Chairperson Matthew Anderson closed the Public Hearing.

Lorene Kamalu made a motion to recommend preliminary and final plat approval for Meridian Subdivision at 370 North Main Street for Larvin Pollock. Stroh DeCaire seconded the motion and it passed unanimously.

**PUBLIC HEARING AND PRELIMINARY AND FINAL PLAT APPROVAL FOR
KAYSVILLE BUSINESS PARK NO. 18 AMENDED SUBDIVISION AT 350 NORTH 900
WEST – ED DAYTON**

Andy Thompson explained that this property is located within the Kaysville Business Park at 350 North 900 West. It is zoned for Light Industrial, which does not have a lot or yard requirement except for situations where LI properties abut residential properties, which is not applicable in this situation. While the LI zoning district does not have lot size requirements, the covenants of the Kaysville Business Park do require that each lot have an area of at least one acre. The existing building onsite will remain on Lot 1A and two new lots will be created. Each lot exceeds the required one-acre minimum lot size of the Business Park, and will have sufficient access from the existing 350 North Street cul-de-sac. There are multiple utility easements running through the property which continue to be shown on the amended plat.

Chairperson Matthew Anderson opened the Public Hearing.

There were no comments or questions from the public. Chairperson Matthew Anderson closed the Public Hearing.

Stroh DeCaire made a motion to recommend preliminary and final plat approval for Kaysville Business Park No. 18 Amended Subdivision at 350 North 900 West for Ed Dayton. Gary Bullock seconded the motion and it passed unanimously.

FINAL PLAT APPROVAL FOR AMANDA'S PLACE SUBDIVISION (FORMERLY RWT SUBDIVISION) AT 472 AND 482 NORTH MAIN STREET – REVA TAYLOR

Andy Thompson explained that in January this property located at 472 and 482 North Main Street was rezoned from General Commercial to R-1-8 and received preliminary plat approval. Further work has now been done and a final plat submitted for approval. The plat consists of five lots, three new lots and two lots which have existing homes on them. Since preliminary plat approval the plat has been modified from a double flag lot configuration to a private lane for access to the back two lots. This change was made to increase the buildable area of the lots. It has also been requested to phase the project, splitting off the two existing homes into Phase 1, and leaving the three new lots as Phase 2. This will facilitate the sale of the existing homes. Since this project contains a private road, the PRUD overlay zone is required and requires a noticed Public Hearing. Approval of the final plat should be made subject to completing the overlay zone approval process.

Josh Sundloff asked if the existing driveway would remain in place, creating a thoroughfare to the new private lane.

Reva Taylor commented that it is not their intention to create a through street with the existing driveway from the private lane to Main Street. However the driveway will remain for the existing home to take access off of. Subdivision Covenants will be created so as to help clarify the intended use of the driveway.

Lorene Kamalu made a motion to recommend final plat approval for Amanda's Place Subdivision (formerly RWT Subdivision) at 472 and 482 North Main Street for Reva Taylor subject to the subdivision receiving approval of a PRUD overlay zone. Thomas Wood seconded the motion and it passed unanimously.

PRESENTATION AND APPROVAL OF THE KAYSVILLE CITY ACTIVE TRANSPORTATION PLAN

Lyle Gibson explained that Kaysville City's General Plan states that the City should "implement the Kaysville Active Transportation Plan". Staff has been working with Alta Planning and Design, along with a steering committee, for over six months on the Plan and first presented it to the Planning Commission at their regular meeting on March 10, 2016. The Commission reviewed it again at their March 24, 2016 meeting and then directed Staff to research if eminent domain could be used, address the east-west connectivity projects making the Burton Lane and Shepard Lane projects a top priority, and insert language into the Plan about public involvement as the Plan continues to evolve. Staff has reviewed each of these items and revised the plan as needed. Those amendments are now being presented for approval. Mr. Gibson continued and said that in regards to the question about eminent domain, Staff found that it is stated in Utah Code that governing bodies can take certain properties with just cause and with reimbursement in the interest of the health, safety and welfare of the city. However, trails are not considered within the code as a just cause for eminent domain. Therefore trails would likely only be installed along a typical right-of-way. Mr. Gibson added that Staff made an amendment to the

Plan to add 200 North as an additional project, and also rearranged the project list to catalog the 200 North and Burton Lane projects at the top. Extra language was also added to address public involvement in the Plan for the future.

Matthew Anderson commented that he feels that there needs to be at least one east-west connection project listed in the Plan as top priority.

Josh Sundloff added that the projects are also listed in Appendix C and need to reflect the same order.

Lorene Kamalu stated that priorities of projects could change depending on the situation and the cost. Mrs. Kamalu asked about the Shepard Lane project.

Lyle Gibson responded that the portion of Shepard Lane that is considered a Plan project is located within Farmington City and therefore Kaysville should focus on our other east-west connections as their priority project.

Matthew Anderson suggested letting those who have helped to design this plan and are more of an expert determine which project should be Kaysville's first priority.

Lorene Kamalu made a motion to recommend approval of the Kaysville City Active Transportation Plan subject to the project lists within the Plan being amended to reflect the highest priority east-west connection projects first. Stroh DeCaire seconded the motion and it passed unanimously.

CALL TO THE PUBLIC

Nothing was brought under this item.

CALENDAR

The next regularly scheduled meeting will be held on Thursday, April 28, 2016 at 7:00 p.m.

ADJOURNMENT

Stroh DeCaire made a motion to adjourn. The motion passed unanimously and the meeting adjourned at 9:20 p.m.

KAYSVILLE CITY PLANNING COMMISSION

April 28, 2016

Members Attending: Chairperson Matthew Anderson, Gary Bullock, Stroh DeCaire, Lorene Kamalu, Betty Parker, Joshua Sundloff, Thomas Wood

Staff Present: City Engineer Andy Thompson, Zoning Administrator Lyle Gibson, Secretary Annemarie Plaizier

Others Present: Dan Reeve, Charlie Anderson, Tony Coombs, Dan Stephenson, Jennifer Standridge, Michael Standridge, Kim Jones, Mark Dyson, Kurt Coppersmith, Jessica Coppersmith, Terry Messerly, Diane Messerly, Devin Smith, Matt Tanner, Deanne Tanner, Steve Burke, David W. Fisher, Judy Fisher, Gladys Moore, David Moore, Tiffannie Cozzens

OPENING

The Planning Commission meeting was held on Thursday, April 28, 2016 at 7:00 p.m. in the Municipal Center.

Chairperson Matthew Anderson opened the meeting by welcoming those present. The minutes of the March 24, 2016 meeting were presented for approval.

Stroh DeCaire made a motion to approve the minutes of the March 24, 2016 meeting. Lorene Kamalu seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION "B", CHIROPRACTIC OFFICE AT 227 SOUTH CHRISTINE WAY – ANDREW WHITE

Lyle Gibson explained that Mr. White is a chiropractor and currently has an office in Salt Lake City, but has been receiving requests for his services from people located in the area and therefore would like the option of having a home office as well. His home is located at 227 South Christine Way and off-street parking would be provided via a driveway. Appointments would typically run fifteen or twenty minutes, but would be scheduled for every thirty minutes to help avoid overlapping.

Lorene Kamalu made a motion to grant a conditional use permit for a major home occupation "B", chiropractic office at 227 South Christine Way for Andrew White. Betty Parker seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR FARM ANIMALS AT 90 EAST 500 NORTH – KURT COPPERSMITH

Lyle Gibson explained that the Coppersmith family is requesting a conditional use permit to keep

chickens on their property at 90 East 500 North. Their property is approximately 0.19 acre, which will allow them to have up to five fowl, rabbits, or similar animals. The rear yard of the property is fenced and the coop will be installed before obtaining any chickens.

Stroh DeCaire made a motion to grant a conditional use permit for farm animals at 90 East 500 North for Kurt Coppersmith with the conditions that a coop be installed in compliance with Ordinance 17-24-3 prior to obtaining chickens. Josh Sundloff seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR FARM ANIMALS AT 998 EAST 400 SOUTH – MELISSA JONES

Lyle Gibson explained that Ms. Jones is requesting a conditional use permit to have farm animals, specifically chickens, on her property at 998 East 400 South. Her property is approximately 8,700 square feet which allows her up to five fowl, rabbits, or similar animals. The Jones yard is completely enclosed, and a coop and chicken run will be installed once approval is received.

Gary Bullock made a motion to grant a conditional use permit for farm animals at 998 East 400 South for Melissa Jones with the conditions that a coop be installed in compliance with Ordinance 17-24-3 prior to obtaining chickens. Stroh DeCaire seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR FARM ANIMALS AT 1563 WEST LEOLA LANE – DEANNE TANNER

Lyle Gibson explained that Ms. Tanner would like to keep Nigerian Dwarf goats, and possibly chickens, on her property at 1563 West Leola Lane and is requesting a conditional use permit for farm animals. Her property is approximately 0.52 acre which allows her up to two goats, sheep, llamas or similar animals, as well as twenty-five fowl, rabbits, or similar animals if they choose to have them. The rear yard of her property is currently fenced. If Ms. Tanner does decide to have chickens, Staff is asking that a coop be placed on site before obtaining the chickens.

Stroh DeCaire made a motion to grant a conditional use permit for farm animals at 1563 West Leola Lane for Deanne Tanner with the conditions that a coop be installed in compliance with Ordinance 17-24-3 prior to obtaining chickens. Gary Bullock seconded the motion and it passed unanimously.

PUBLIC HEARING AND REQUEST TO REZONE 1.35 ACRES OF PROPERTY AT 472 AND 482 NORTH MAIN STREET TO PRUD (PLANNED RESIDENTIAL UNIT DEVELOPMENT) OVERLAY ZONE – REVA TAYLOR

Andy Thompson explained that the Planning Commission approved the Amanda's Place Subdivision at 472 and 482 North Main Street at their April 14, 2016 meeting, subject to the application of the PRUD overlay zone. The required Public Hearing has now been properly

noticed and the overlay zone may be applied. This project contains a private road and therefore is required to obtain a PRUD overlay zoning.

Chairperson Matthew Anderson opened the Public Hearing.

There were no comments or questions from the public. Chairperson Matthew Anderson closed the Public Hearing.

Thomas Wood made a motion to recommend approval of the request to rezone 1.35 acres of property at 472 and 482 North Main Street to PRUD (Planned Residential Unit Development) overlay zone for Reva Taylor. Stroh DeCaire seconded the motion and it passed unanimously.

REQUEST TO REZONE 0.95 ACRES OF PROPERTY AT 85 EAST CRESTWOOD ROAD FROM R-1-8 (SINGLE FAMILY RESIDENTIAL) TO R-4 (ONE TO FOUR FAMILY RESIDENTIAL), WITH A PRUD (PLANNED RESIDENTIAL UNIT DEVELOPMENT) OVERLAY ZONE – DAN STEPHENSON (TABLED ITEM)

Andy Thompson explained that this item was reviewed by the Planning Commission following a Public Hearing in their regular meeting of February 11, 2016. The Planning Commission determined that more detail was needed and unanimously tabled the item so that the “developer and the property owner can address the comments and concerns mentioned” in that meeting. In response to the Planning Commission’s request, additional detail has been provided and the private road has been moved to the eastern boundary to create more buffer for the adjacent homes to the east. As proposed, the plan meets the City’s requirements for density and open space in the requested R-4 zone. The proposal still includes twelve units in three structures served by a private street. The units are proposed to be platted as individual lots which may be sold independently, and the landscaping area around the units will be considered common area. The property is located across the street to the north of Heritage Park, on Crestwood Road between Fairfield Road and Main Street. There are both commercial and multi-family uses in the area, with the properties immediately adjacent to the subject parcel zoned as R-1-8. The Kaysville City General Plan states in the housing section that east of I-15 the City should allow zero to five units per acre with some areas of higher density housing. It also states that the majority of housing should be single family with about ten percent being more than one unit per structure, and multiple unit housing should consist of mostly duplexes and some three to six unit structures dispersed throughout the City. Since the proposed project contains a private road, the PRUD overlay zone is also being requested.

Chairperson Matthew Anderson asked for public comment.

Steve Burke said that he attended the February 11, 2016 meeting and made comments against this development. Since that meeting, a petition has been created against this rezone and there are over fifty neighbor signatures on it, and climbing. This area already carries the burden of multi-residential zoning and many in the area feel that it should be dispersed more throughout the city. The plan being proposed is very dense and has very little open space. There are more suitable lots near Main Street that would better suit this development plan. By putting high

density housing in the midst of single family residential it feels like an invasion to the neighborhood. There is also a historical home nearby that would be better protected by keeping this area a low density residential feel.

Devin Smith said that he lives to the north of this property and feels that this is already a high density area. In the February 11, 2016 meeting it was questioned where these high density housing developments should be allowed. It seems more appropriate to put them adjacent to commercial zones in order to create a buffer between the commercial uses and residential uses. The General Plan states that at least ten percent of the city should have multi-family housing. Do we know if we meet or exceed that criteria? The City seems to have set goals for the city within the General Plan, but there doesn't seem to be any data to back up any planning decisions made. Data should be maintained and used to make decisions with. Mr. Smith said that he had recently done his own research on the surrounding area to count the multi-family units. According to his findings, this area is well over the 10% multi-family housing criteria mentioned in the General Plan. We need to look at the future as approving this rezone could potentially set a precedence and the area could become oversaturated by more high density.

Tiffannie Cozzens said that she lives in the historic home on the corner of Crestwood Road and 30 West and is concerned about the aesthetics of the planned townhomes. In looking at the concept drawings, the units don't seem to fit into the area. They have more of a mid-century modern look and Mrs. Cozzens said she feels that they should have more of a historic image to help tie them with the feel of Heritage Park across the street.

Terry Messerly said that he is concerned about additional traffic this development might bring. Crestwood Road and Fairfield Road are already very busy streets with barely enough room to park cars on either side of the road and not impede traffic. Mr. Messerly said that he also feels it's a safety concern to have the driveway of a multi-family development this close to the intersection of Crestwood Road and Fairfield Road.

David Fisher said that he lives to the west of this development and feels that the Planning Commission has created the master plan of the City and should better protect the residents by not changing that master plan. The neighbors are in support of the zoning already in place for this property, and are against the proposed development.

David Moore said that in the February 11, 2016 meeting, almost every property owner directly adjacent to the property was in attendance. This development will affect many people and those people want to protect their properties. It is too dense and plans need to be reconsidered for a lesser density.

Jennifer Standridge said that she lives at 71 East Crestwood Road, directly adjacent to the development, and is concerned about the aesthetics of these townhomes. They don't look or represent the feel of Kaysville. Having so many homes crowded onto this property is not conducive to the area. Mrs. Standridge said that while she doesn't own her home, she is still part of the community and wants the character of the area to remain.

Tony Coombs said that he has been working with the owner of the property, Dan Stephenson, and expressed appreciation for the comments made by the audience. There is about forty-five feet from the front of the units to the east property line, and twenty-two feet from the rear of the units to the west property line. In the current zone, a single family dwelling could be built as close as eight feet to a property line. It is the developer's intent to sell these homes individually. There is a demand for housing on the east side of Kaysville and they anticipate no problems selling them. If the units need to be redesigned to look similar to the surrounding homes in the area they are willing to do that. Multi-family housing is a great use for this property because it is close to downtown Kaysville and to transportation, as well as many city activities.

Matthew Anderson asked if the subdivision's covenants would restrict rental units.

Tony Coombs said that they fully intend to sell the units individually, but cannot control if the new property owners will rent their unit.

Stroh DeCaire commented that they have had other developers make similar promises and not follow through with them. There is a negative perception that has been put on rental homes in general, and with that bring many concerns.

Gary Bullock said that the covenants could potentially stipulate that only a certain percentage of the units could be rented.

Thomas Wood asked if the developer was interested in purchasing the property to the west.

Tony Coombs responded that they had inquired about purchasing the property at 71 East Crestwood Road with the intention of developing it along with this, but ultimately decided that the development plans they had would not work for the property.

Gladys Moore commented that she feels that there are too many units being proposed and the zoning should not be changed to accommodate high density housing, but rather the property owner should try to come up with a development plan to meet the current zoning.

Michael Standridge stated that they are renting their home at 71 East Crestwood Road and just recently received notice that they would have to find a new place to live. This is a nice area and they had planned to purchase the property themselves in the future. Mr. Standridge said that he feels their property owner intends to develop the property into multi-family units in the near future as well. If one high density development is allowed, more will come as properties become available. Where do we draw the line? It is understood that every property owner has the right to try to develop their property, this type of multi-family development would be better suited closer to a commercial use area.

David Fisher asked what would happen if other property owners wanted to develop their property similarly.

Matthew Anderson responded that they would have to go through the same process of getting

their property rezoned.

There were no further comments or questions from the public. Chairperson Matthew Anderson thanked those audience members who had made comments tonight.

Betty Parker said that she is concerned about the distance of this high density development to the Crestwood Road and Fairfield Road intersection. Both of these streets are very busy and there is also concern for pedestrians crossing the road to Heritage Park. Mrs. Parker added that she feels that there isn't enough open space within the development.

Josh Sundloff asked about installing a crosswalk.

Thomas Wood responded that a traffic study is typically required in order to have a crosswalk installed. Because this is a public street, the developer won't have the ability to install one on their own as part of the development.

Andy Thompson added that typically crosswalks are not included as a requirement for new residential development. There is certain criteria required for crosswalks and it is important that the criteria be met before crosswalks are installed.

Lorene Kamalu asked about the size of the garages planned.

Tony Coombs responded that each unit has a two-car garage.

Betty Parker commented that the Planning Commission needs to determine what would be considered as too many units within an area.

Devin Smith said that this area has more than ten percent of multi-family housing within it.

Matthew Anderson said that the General Plan accounts for multi-family housing in the city as a whole and not just in one area.

Andy Thompson responded that it was intentional to not specify in the General Plan which properties within the city should be deemed for high density housing. Rather each development should be reviewed individually so that the Planning Commission's discretion could be used.

Matthew Anderson said that he is most concerned with the density of the proposed development and would like to see an alternative plan showing less density.

Thomas Wood commented that he recalled that in the February 11, 2016 meeting the Commission had asked the developer to present a plan showing fewer units, but it seems that all that has changed is the plan has been flipped to put the street on the opposite side of the property. Mr. Wood said that while he appreciates the work the developer has done to present better concept plans, he was hoping to see an alternative to the original plan presented. The plan needs to be more in alignment with the neighborhood. Mr. Wood added that he is concerned about

putting limitations on a development with a development agreement if the agreement can be altered.

Josh Sundloff asked if development agreements are amended often.

Andy Thompson responded that it is more common to amend development agreements for larger developments with many phases.

Lorene Kamalu commented that she is concerned with the proposed high density rezone because it is a dramatic change from the current zone. We need to consider what will be the best zone for everyone affected. Mrs. Kamalu asked what would be the property owner's options if this rezone was denied.

Andy Thompson responded that in the current R-1-8 zoning, five more units would fit on the property and wouldn't require a rezone. The developer would only have to receive subdivision plat approval. The developer could also apply for a different zone, such as the R-2 zone which would allow for about ten units.

Lorene Kamalu stated that she would like to see alternate plans that would meet the current R-1-8 zoning.

Stroh DeCaire commented that he feels that this development would create traffic congestion along streets that are already busy. It also seems like a conflict to rezone this property to allow for high density when it's surrounded by low density homes. There needs to be more information to support the implied need for multi-family housing in the area. Mr. DeCaire asked about the open space.

Andy Thompson responded that the proposed plan meets the open space requirements.

Thomas Wood said that multi-family units have a tendency to use more city services and become neglected over time because they become rentals and have a higher turnover.

Gary Bullock agreed that the proposed density seems too high for the surrounding area and lends itself to become rental units. Mr. Bullock suggested the developer investigate developing the property into single family units, as well as consider changing the aesthetics of the units to better fit the surrounding area.

Josh Sundloff commented that there is a demand for this type of housing and therefore these units will probably sell quickly. It will help to bring a variety of people to the neighborhood. A decision shouldn't be based the potential of these units becoming rentals. The concerns mentioned about the aesthetics could be addressed through a development agreement. Traffic and safety concerns are valid but without a traffic study it is hard to determine if congestion would occur. As for the applicability of the General Plan, it suggests that high density housing be located along major streets, which Crestwood Road and Fairfield Road could be considered as such. There is a certain point where an area could become oversaturated, but this area hasn't

reached that point yet.

Stroh DeCaire said that he feels that the R-4 zone is too dense for this property and would prefer to see a request for the R-2 zone, or see the developer try to draw up a plan to comply with the current zone.

Gary Bullock commented that while he's not opposed to high density housing, he agrees that the proposed development doesn't fit the area.

Thomas Wood added that he would rather see high density housing closer to an artery road.

Lorene Kamalu said that zoning decisions should be based on its compatibility with the area. Change can be hard, especially when the use or density of a property is being altered. There have been some valid comments made by the neighboring property owners, and it seems that this development isn't suitable for the property.

Josh Sundloff said that the city needs a variety of housing options and this proposal seems to meet what is outlined in the General Plan.

Josh Sundloff made a motion to recommend approval of the request to rezone 0.95 acre of property at 85 East Crestwood Road from R-1-8 (Single Family Residential) to R-4 (One to Four Family Residential), with a PRUD (Planned Residential Unit Development) overlay zone for Dan Stephenson subject to a development agreement containing the required elements of the development.

The motion died for lack of a second.

Thomas Wood made a motion to recommend denial of the request to rezone 0.95 acre of property at 85 East Crestwood Road from R-1-8 (Single Family Residential) to R-4 (One to Four Family Residential), with a PRUD (Planned Residential Unit Development) overlay zone for Dan Stephenson. Betty Parker seconded the motion.

Voting was as follows:

Betty Parker	aye
Josh Sundloff	nay
Thomas Wood	aye
Gary Bullock	aye
Lorene Kamalu	aye
Stroh DeCaire	aye
Matthew Anderson	aye

The motion passed with a vote of six to one.

FINAL PLAT APPROVAL FOR SHADOW CROSSING PHASE 3 SUBDIVISION AT

SHADOW WAY AND BRADY LANE – PERRY HOMES

Andy Thompson explained that a few years ago Perry Homes received preliminary plat approval for Shadow Crossing Subdivision. Phases 1 and 2 have been constructed and Perry Homes has submitted an application for Phase 3 which is located at Shadow Way and Brady Lane. The proposed Phase 3 consists of twenty-three lots and will complete the Shadow Crossing project. On the submitted final plat, Lot 319 is only 19,710 square feet instead of the required 20,000 square feet. Perry Homes has been notified and has since submitted a corrected plat.

Gary Bullock made a motion to recommend final plat approval for Shadow Crossing Phase 3 Subdivision at Shadow Way and Brady Lane for Perry Homes subject to Lot 319 being brought into compliance. Stroh DeCaire seconded the motion and it passed unanimously.

CALL TO THE PUBLIC

Nothing was brought under this item.

CALENDAR

The next regularly scheduled meeting will be held on Thursday, May 12, 2016 at 7:00 p.m.

ADJOURNMENT

Stroh DeCaire made a motion to adjourn. The motion passed unanimously and the meeting adjourned at 9:00 p.m.

12 May 2016 Agenda

KAYSVILLE CITY PLANNING COMMISSION NOTICE AND AGENDA

Notice is hereby given that the Kaysville City Planning Commission will hold their regular meeting on Thursday, May 12, 2016 at 7:00 p.m. in the Municipal Center.

The agenda shall be as follows:

1. Opening and approval of minutes from the meetings of April 14, 2016 and April 28, 2016.
2. Conditional use permit for residential child care at 220 West Baer Creek Drive – Gail Hepworth.
3. Conditional use permit for farm animals at 1979 West Hill Street – Stephanie and Richard Ensign.
4. Conditional use permit for farm animals at 1894 West 550 North – Van and Emily Allen.
5. Conditional use permit for farm animals at 1671 West Galbraith Lane – Bryce Blackburn.
6. Public hearing and preliminary and final plat approval for Whisper Creek Amended Subdivision located at 670 East 600 South – Symphony Homes.
7. Call to the public.
8. Other matters that properly come before the Planning Commission:
 - a. Reports.
 - b. Correspondence.
 - c. Calendar.
9. Adjournment.

I hereby certify that I posted a copy of the foregoing Notice and Agenda at the Kaysville Municipal Center and mailed copies to the media representatives on Friday, May 6, 2016.

Lyle Gibson, Zoning Administrator